

Kevin N. Anderson
Nevada Bar No. 4512
FABIAN & CLENDENIN
215 South State Street, Suite 1200
Salt Lake City, Utah 84111-2323
Telephone: 801-531-8900
Facsimile: 801-596-2814
Email: kanderson@fabianlaw.com

Counsel for James M. Rhodes

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,

Reorganized Debtors

☒ Affects all Debtors

☐ Affects the following Debtors

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

**NOTICE OF HEARING ON MOTION
TO RECONSIDER ORDER
SUSTAINING REORGANIZED
DEBTORS' OBJECTION TO JAMES
RHODES' ENTITLEMENT TO THE
TAX CLAIM FOUND IN PROOF OF
CLAIM NO. 814-33**

Hearing Date: August 2, 2011
Hearing Time: 10:30 AM
Place: Courtroom 1

NOTICE IS HEREBY GIVEN that a MOTION TO RECONSIDER ORDER SUSTAINING
REORGANIZED DEBTORS' OBJECTION TO JAMES RHODES' ENTITLEMENT
TO THE TAX CLAIM FOUND IN PROOF OF CLAIM NO. 814-33 (the "**Motion**") was
filed on June 2, 2011 by James M. Rhodes ("**Rhodes**"). Pursuant to Rule 54(b) of the Federal
Rules of Civil Procedure, made applicable pursuant to Rules 9014(c) and 7054 of the Federal

1 rules of Bankruptcy Procedure, the Motion requests that the Court reconsider its *Order Sustaining*
2 *Reorganized Debtors' Objection to James Rhodes' Entitlement to the Tax Claim Found in Proof*
3 *of Claim No. 814-33* dated November 16, 2010 [Doc. No. 1318] (the "**Order**"). Specifically, the
4 Motion requests that the Court reconsider its Order and find, as a matter of law, that Rhodes has a
5 sufficient entitlement to a "claim," as that term is defined in 11 U.S.C. § 101(5), for this matter to
6 proceed to discovery because a valid distribution was declared from each of the Debtor Entities to
7 Rhodes for the 2006 tax year thereby creating a debtor-creditor relationship. Any opposition to
8 the Motion must be filed pursuant to Local Rule 9014(d)(1).

9
10 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief sought in
11 the Motion, or if you want the Court to consider your views on the Motion, then you must file an
12 opposition with the Court, and serve a copy on the person making the Motion ***no later than 14***
13 ***days*** preceding the hearing date for the Motion, unless an exception applies (see Local Rule
14 9014(d)(3)). The opposition must state your position, set forth all relevant facts and legal
15 authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).
16

17 If you object to the relief requested, you *must* file a **WRITTEN** response to this
18 pleading with the Court. You *must* also serve your written response on the person
19 who sent you this notice.

20 If you do not file a written response with the Court, or if you do not serve your
21 written response on the person who sent you this notice, then:
22

- 23 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 24 • The Court may *rule against you* without formally calling the matter at the
25 hearing.
26

1
2 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held before a
3 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,
4 Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101 on **August 2, 2011, at the**
5 **hour of 10:30 AM.**

6 DATED this 6th day of June, 2011.
7
8

9 /s/ Kevin N. Anderson

10

Kevin N. Anderson

11 FABIAN & CLENDENIN

12 Attorneys for James M. Rhodes
13
14
15
16

17 4821-0109-1593, v. 1
18
19
20
21
22
23
24
25
26